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In re Application of CROWDER et al :
U.S. Application No.: 10/595,478 :
PCT Application No.: PCT/US2004/035433 :
Int. Filing Date: 26 October 2004 :
Priority Date Claimed: 27 October 2003 : DECISION
Attorney Docket No.: 9336.14 :
For: BLISTER PACKAGES AND ASSOCIATED :
METHODS OF FABRICATING DRY :
POWDER DRUG CONTAINMENT :
SYSTEMS :

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(a) " filed 11 July 2007.

BACKGROUND

On 26 October 2004, applicant filed international application PCT/US2004/035433, which claimed priority of an earlier United States application filed 27 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2006.

On 21 April 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 December 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 June 2007, applicant filed a petition under 37 CFR 1.47(a).

On 29 June 2007, this Office mailed a decision dismissing the 26 June 2007 petition.

On 11 July 2007, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, the renewed petition states that the declaration filed 26 June 2007 is proper since the different pages are not from different documents. However, it is clear from the lack of facsimile machine markings on all of the declaration pages except for Page 3 of 5 executed by Keith Arthur Johnson that such page was not from the same document as the other pages. The reason that composite declarations such as the one filed 26 June 2007 are not acceptable is that it cannot be determined whether the signature pages were associated with the rest of the declaration pages at the time of execution. The declaration filed with the renewed petition is proper.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 October 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 July 2007.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


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